

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN THE MATTER OF:

CASE NUMBER:

Roy Randolph Carpenter, Jr.

09-03678-8-JRL

SS#: xxx-xx-8997

Penny Averette Carpenter

SS#: xxx-xx-0333

Mailing Address:

P. O. Box 314

Stem, NC 27581

Debtors.

Chapter 13

OPPOSITION TO TRUSTEE'S MOTION TO DISMISS

NOW COME the debtors, through their attorney undersigned, and hereby oppose the Trustee's Motion to Dismiss Case for Failure to Make Plan Payments (hereinafter "said motion"), filed in this case on August 21, 2009, and request that said motion be denied. As to the issues raised in said motion, the debtors show unto the court:

1. That undersigned recently discussed with the Trustee the status of the claim of Franklin SIS Corporation, which apparently holds a Deed of Trust against real property owned by the debtors on which is located their residence. However, it appears that the claim of said creditor may, in fact, not be secured, in which case the plan proposed by the debtors is feasible. Undersigned contemplates filing an adversary proceeding to determine the status of the claim of Franklin SIS Corporation within the next few weeks in order that this issue may be resolved..

2. Upon information and belief, the debtors are delinquent in the amount of only (approximately) 0.3 payments. Given the possibility of a substantial dividend to be paid to the holders of allowed general unsecured claims in this case, it would be in the best interests of the debtors and the estate for the debtors to be given every opportunity to cure this arrearage and continue in their case.

3. There appears to be no need for the debtors to amend any of their bankruptcy schedules.

WHEREFORE, the debtors pray the court to enter an Order denying the Trustee's Motion to Dismiss Case for Failure to Make Plan Payments, and for such other and further relief as this court deems just and proper. In the alternative, the debtors request a hearing.

Date: September 9, 2009

Law Offices of John T. Orcutt, P.C. by

s/ Joseph A. Bledsoe, III

Joseph A. Bledsoe, III

Attorney at Law

6616-203 Six Forks Road

Raleigh, NC 27615

(919) 847-9750

NC State Bar No.: 19817

CERTIFICATE OF SERVICE

I, Joseph A. Bledsoe, III, of the Law Offices of John T. Orcutt, P.C., do hereby certify that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age; and that on this day, I served copies of the foregoing OPPOSITION TO TRUSTEE'S MOTION TO DISMISS upon the following parties:

John F. Logan
Chapter 13 Trustee
P. O. Box 61039
Raleigh, NC 27661

Unless **automatic electronic noticing** was indicated on the confirmation provided by the Court upon the filing of said Motion to Reopen Case, service was accomplished by regular, U.S. mail, first-class postage pre-paid.

It is under penalty of perjury that I certify the foregoing to be true and correct.

DATE: September 9, 2009

Law Offices of John T. Orcutt, P.C. by

s/ Joseph A. Bledsoe, III

Joseph A. Bledsoe, III